

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

Claim 1 (Currently Amended): A method for resolving an electronic commerce dispute involving one or more parties, comprising:

electronically providing access to an online dispute resolution system to allow at least one of the parties to initiate a filing of the dispute from an online marketplace;

electronically receiving with the online dispute resolution system transaction data from the marketplace, wherein the transaction data describes transactions within the marketplace;

receiving over a computer network and from at least one of the parties ease information that describes related to the dispute; and

executing software with the online dispute resolution system to apply an online dispute resolution process a case-based reasoning system to the that utilizes at least a portion of the transaction data from the market place and the ease information to produce a result for use in selection of a mode of resolving the dispute in accordance with an online dispute resolution process; and

presenting the result of the application of the case-based reasoning system to the ease information to the one or more parties via the computer network to assist the parties in resolving the dispute.

Claim 2 (Currently Amended): The method of claim 1, further comprising automatically selecting one of two modes of resolving the dispute ~~based on the result from the case-based reasoning system~~, the first mode requiring the online dispute resolution process being driven by an electronic agent to assist the parties in resolving the dispute and the second mode involving a human dispute resolution specialist.

Claim 3 (Currently Amended): The method of claim 109, wherein the case-based reasoning system contains a history file.

Claim 4 (Previously Presented): The method of claim 3, wherein the history file contains patterns and precedents, further comprising applying the patterns and precedents to generate an outcome prediction.

Claim 5 (Previously Presented): The method of claim 4, further comprising presenting the outcome prediction to the parties to assist the parties in selecting the mode of resolving the dispute.

Claim 6 (Previously Presented): The method of claim 4, wherein the outcome prediction includes one or more likely outcomes and associated probabilities of occurrence.

Claim 7 (Previously Presented): The method of claim 1, further comprising receiving settlement position from the parties.

Claim 8 (Original): The method of claim 7, further comprising automatically settling the dispute if the settlement positions satisfy a predetermined criteria.

Claim 9 (Original): The method of claim 8, wherein the predetermined criteria relates to a monetary settlement position.

Claim 10 (Original): The method of claim 8, wherein the predetermined criteria relates to a non-monetary settlement position.

Claim 11 (Previously Presented): The method of claim 2, wherein the dispute resolution specialist resolves the dispute by transitioning from a mediation stage to an arbitration stage.

Claim 12 (Previously Presented): The method of claim 2, wherein the dispute resolution specialist generates a final recommended resolution.

Claim 13 (Original): The method of claim 12, wherein the final recommended resolution is accepted by the one or more parties.

Claim 14 (Previously Presented): The method of claim 12, further comprising creating a contract between the one or more parties stating the willingness to abide by the recommended resolution.

Claim 15 (Previously Presented): The method of claim 2, further comprising communicating among the parties using a plurality of communication modes.

Claim 16 (Previously Presented): The method of claim 15, wherein the communication modes include a public messaging mode in which communication is automatically shared between all of the parties and the dispute resolution specialist, and a private messaging mode in which communication for a given one of the parties is automatically shared only between that one of the parties and the dispute resolution specialist.

Claim 17 (Original): The method of claim 15, wherein the communication mode is selected by the dispute resolution specialist.

Claims 18-19 (Cancelled).

Claim 20 (Currently Amended): The method of claim 1, further comprising providing visual cues when applying the dispute resolution process to automatically highlight agreements between the parties.

Claim 21 (Original): The method of claim 20, further comprising visually highlighting areas of agreement and disagreement.

Claim 22 (Currently Amended): The method of claim 1, further comprising ~~providing a forum~~ storing status data on participation of ~~a buyer or seller~~ the parties in the dispute resolution process to ~~resolve electronic commerce disputes in an electronic marketplace.~~

Claims 23-24 (Cancelled).

Claim 25 (Currently Amended): The method of claim 22, wherein the data relates to compliance of a participant to ~~the~~ a result of final decision made in the resolution of the dispute.

Claim 26 (Currently Amended): The method of claim 22, further comprising:
communicating the status data from the dispute resolution system to the marketplace; and
highlighting an offender based on the status information in the dispute resolution system.

Claim 27 (Previously Presented): The method of claim 2, further comprising providing a market-based system for assigning the dispute resolution specialist to a particular dispute.

Claim 28 (Currently Amended): The method of claim 1, wherein the dispute resolution is provided as an insurance covering the transactions.

Claim 29 (Currently Amended): The method of claim 28, further comprising requiring a seller associated with the marketplace in a transaction to be a registered subscriber to the online dispute resolution system before the a-transactions is are insured.

Claim 30 (Currently Amended): The method of claim 129, further comprising:
communicating membership data from the online dispute resolution system to the
marketplace; and
automatically showing a visual indicia within the marketplace to indicate the availability
of the dispute resolution system and the membership of buyers or sellers in the dispute resolution
process.

Claim 31 (Currently Amended): The method of claim 30, wherein the visual indicia is a medallion that is a visible symbol of trust to increases the confidence of the buyers or the sellers
in executing transactions within the marketplace.

Claims 32-63 (Cancelled).

Claim 64 (Currently Amended): ~~A system comprising:~~ The system of claim 112, wherein the online dispute resolution system further comprises:

a database to store facts and outcomes of previously resolved disputes; and
a server ~~that to receives~~ that receives case information related to the dispute ~~that describes an electronic commerce dispute from one or more parties to the dispute via a network, wherein the server~~ and compares the case information to the facts of previously resolved disputes stored by the database to produce a result for use in selection of a mode of resolving the dispute, and presents a result of the comparison to the parties via the network.

Claim 65 (Previously Presented): The system of claim 64, wherein the server searches the database to identify previously resolved disputes with facts that are similar to the case information.

Claim 66 (Previously Presented): The system of claim 65, wherein the server presents the result of the comparison by presenting the outcomes of identified previously resolved disputes.

Claim 67 (Previously Presented): The system of claim 66, wherein the server summarizes the outcome of identified previously resolved disputes.

Claim 68 (Previously Presented): The system of claim 65, wherein the server presents the result of the comparison by generating an outcome prediction as a function of the facts and outcomes of the identified disputes, and presenting the outcome prediction to the parties.

Claim 69 (Previously Presented): The system of claim 68, wherein the outcome prediction includes at least one likely outcome.

Claim 70 (Previously Presented): The system of claim 69, wherein the outcome prediction includes associated probabilities of occurrence of the at least one likely outcome.

Claim 71 (Previously Presented): The system of claim 69, wherein the server presents the at least one likely outcome to the parties as a potential resolution of the dispute.

Claim 72 (Previously Presented): The method of claim 15, further comprising:
determining a current mode of resolving the dispute; and
automatically selecting a communication mode based on the determination.

Claim 73 (Previously Presented): The method of claim 22, further comprising providing the data to the parties to assist the resolution of the dispute.

Claim 74 (Cancelled)

Claim 75 (Withdrawn): A system comprising:
a computer network; and
a server coupled to the computer network that receives case information that describes an electronic commerce dispute from one or more parties to the dispute via the network, and compares the case information to facts of previously resolved disputes to automatically select a resolution mode comprising one of (i) a direct negotiation mode that allows the parties to directly negotiate a resolution to the dispute via the computer network, (ii) a conciliation mode that allows the parties to negotiate the resolution to the dispute through a mediator, and (iii) mediation mode that allows a mediator to propose a resolution to the dispute.

Claim 76 (Withdrawn): The system of claim 75, wherein the server provides a pre-programmed recommended resolution to at least one of the parties based on the comparison.

Claim 77 (Withdrawn): A method for encouraging parties to an electronic commerce dispute to resolve the dispute through direct negotiation via a computer network comprising:

maintaining a database that stores facts and outcomes of previously resolved electronic commerce disputes;

receiving case information that describes the electronic commerce dispute from one or more of the parties to the dispute via the network;

searching the database to identify previously resolved disputes with facts that are similar to the case information;

identifying at least one likely outcome of the dispute based on the outcomes of the identified previously resolved disputes; and

presenting the identified likely outcomes to the parties as a potential resolution to the dispute to assist the parties in negotiating a resolution to the dispute.

Claim 78 (Withdrawn): A method for integrating an online dispute resolution system with an electronic marketplace to allow users of the electronic marketplace to resolve disputes and provide users of the electronic assurance that disputes will be resolved comprising:

providing an electronic marketplace as a website that is accessed by users via a computer network and enables the users to buy and sell items;

indicating within the electronic marketplace website the availability of a dispute resolution system that is coupled to the computer network to resolve disputes between the users of the electronic marketplace;

embedding uniform resource locators associated with the dispute resolution system within a hypertext markup language application for the website to enable users of the electronic marketplace to access the dispute resolution system from the electronic marketplace; and

displaying media objects within the website that are associated with users of the electronic marketplace,

wherein the appearance of the media objects is related to data maintained by the online dispute resolution system that is related to use of the dispute resolution system by the users.

Claim 79 (Withdrawn): A method comprising:

providing an electronic marketplace that is accessed by users via a computer network and enables the users to buy and sell items; and

indicating the availability of a dispute resolution system to resolve disputes between the users of the electronic marketplace by displaying to the users one or more medallion associated with the dispute resolution system within the electronic marketplace.

Claim 80 (Withdrawn): The method of claim 79, further comprising displaying the media objects to indicate which of the users are members in the dispute resolution system.

Claim 81 (Withdrawn): The method of claim 80, further comprising controlling the appearance of the media objects based on data maintained by the dispute resolution system that describes the use of the dispute resolution system by the users.

Claim 82 (Withdrawn): The method of claim 81, further comprising controlling the appearance of the media objects based on participation of the users within the dispute resolution processes and compliance with results of the dispute resolution process.

Claim 83 (Withdrawn): A method for indicating to users of an electronic marketplace whether other users of the electronic marketplace participate in an online dispute resolution system comprising:

- providing an electronic marketplace via a website that is accessed by users via a computer network and enables the users to buy and sell items;

- displaying media objects received from the dispute resolution system and associated with users of the electronic marketplace that participate in the dispute resolution system within the website,

- wherein the appearance of the media objects is related to data maintained by a server associated with the dispute resolution system relating to participation of the users of the electronic marketplace in the dispute resolution system.

Claim 84 (Withdrawn): The method of claim 83, wherein displaying media objects comprises displaying medallions within web pages associated with users of the electronic marketplace that participate in the dispute resolution system.

Claim 85 (Withdrawn): An online dispute resolution system comprising a computing system that performs a computer-assisted multi-mode dispute resolution process for resolving a dispute between two parties, wherein the computing system:

performs an analysis of the dispute and present pre-programmed recommended resolutions based on the analysis in a first mode;

performs a match of needs of the two parties as defined by the dispute to resolve the dispute in a second mode;

provides a medium for the parties to independently resolve the dispute in a third mode; and

assigning a dispute resolution specialist to resolve the dispute in a fourth mode upon failure to reach a resolution in at least one of the other modes.

Claim 86 (Withdrawn): The method of claim 85, wherein the dispute resolution specialist utilizes a message exchange of the computing system to interact with the parties to reach a recommended resolution.

Claim 87 (Withdrawn): The method of claim 85, wherein the computing system assigns the dispute resolution specialists

Claim 88 (Withdrawn): An online dispute resolution system comprising:

a software program to automatically assemble case information that describes an electronic commerce dispute between parties from records provided by the parties,

wherein the software module presents sample resolutions to the parties to aid the parties in resolving the case, and disaggregates elements of the dispute and presents the case information in a form that identifies areas of agreement between the parties.

Claim 89 (Withdrawn): The system of claim 88, further comprising a case base reasoning system that processes the case information that identifies similar past cases, and presents one or more settlement proposals and likely outcomes for the parties to assist the parties in resolving the dispute.

Claim 90 (Withdrawn): The online dispute resolution system of claim 88, further comprising a software program to prompt settlement between the parties.

Claim 91 (Withdrawn): A method comprising:

training a dispute resolution specialist by requiring the dispute resolution specialist to experience transactions within online marketplaces including at least an auction site;
presenting simulated online dispute resolution cases to the dispute resolution specialists to assess the skills of the dispute resolution specialists; and
assigning online disputes to the dispute resolution specialists only upon completion of the training and successful resolution of the simulated online dispute resolution cases.

Claim 92 (Withdrawn): An online dispute resolution system comprising:

a first software program operating on a computing system to assemble case information that describes an electronic commerce dispute between parties from records provided by the parties; and
a second software program operating on the computing system to assist a dispute resolution specialist in identifying similar cases from a historical database of past cases.

Claim 93 (Currently Amended): The system of claim 64, wherein the server compares the case information to facts of previously resolved disputes to automatically select a resolution mode comprising one of (i) a direct negotiation mode that allows the parties to directly negotiate a resolution to the dispute via the computer network, (ii) a conciliation mode that allows the parties to negotiate the resolution to the dispute through a mediator, and (iii) mediation mode that allows a mediator to propose a resolution to the dispute.

Claim 94 (Previously Presented): The system of claim 93, wherein the server provides a pre-programmed recommended resolution to at least one of the parties based on the comparison.

Claim 95 (Previously Presented): The system of claim 64, wherein the server:

performs an analysis of the dispute and present pre-programmed recommended resolutions based on the analysis in a first mode;

performs a match of needs of the two parties as defined by the dispute to resolve the dispute in a second mode;

provides a medium for the parties to independently resolve the dispute in a third mode; and

assigns a dispute resolution specialist to resolve the dispute in a fourth mode upon failure to reach a resolution in at least one of the other modes.

Claim 96 (Previously Presented): The system of claim 95, wherein the server provides a message exchange by which the dispute resolution specialist interacts with the parties to reach a recommended resolution.

Claim 97 (Previously Presented): The system of claim 95, wherein the server automatically assigns the dispute resolution specialists.

Claim 98 (Previously Presented): The system of claim 64, further comprising a software program executing on the server to automatically assemble the case information from records provided by the parties, wherein the software module presents sample resolutions to the parties to aid the parties in resolving the case, and presents the case information in a form that identifies areas of agreement between the parties.

Claim 99 (Previously Presented): The system of claim 64, further comprising:

a first software program operating the server to assemble the case information from records provided by the parties; and

a second software program operating on the server to assist a dispute resolution specialist in identifying similar cases from a historical database of past cases.

Claim 100 (Previously Presented): The method of claim 1, further comprising maintaining a database that stores facts and outcomes of previously resolved electronic commerce disputes, and wherein executing software apply a case-based reasoning system comprises:

searching the database to identify previously resolved disputes with facts that are similar to the case information;

identifying at least one likely outcome of the dispute based on the outcomes of the identified previously resolved disputes; and

presenting the identified likely outcomes to the parties as a potential resolution to the dispute to assist the parties in negotiating a resolution to the dispute.

Claim 101 (Withdrawn): The method of claim 1, further comprising:

providing an electronic marketplace as a website that is accessed by users via a computer network and enables the users to buy and sell items;

indicating within the electronic marketplace website the availability of a dispute resolution system that is coupled to the computer network to resolve disputes between the users of the electronic marketplace;

embedding uniform resource locators associated with the dispute resolution system within a hypertext markup language application for the website to enable users of the electronic marketplace to access the dispute resolution system from the electronic marketplace; and

displaying media objects within the website that are associated with users of the electronic marketplace,

wherein the appearance of the media objects is related to data maintained by the online dispute resolution system that is related to use of the dispute resolution system by the users.

Claim 102 (Withdrawn): The method of claim 1, further comprising:

providing an electronic marketplace that is accessed by users via a computer network and enables the users to buy and sell items; and

indicating the availability of a dispute resolution system to resolve disputes between the users of the electronic marketplace by displaying to the users one or more medallion associated with the dispute resolution system within the electronic marketplace.

Claim 103 (Withdrawn): The method of claim 102, further comprising displaying the media objects to indicate which of the users are members in the dispute resolution system.

Claim 104 (Withdrawn): The method of claim 102, further comprising controlling the appearance of the media objects based on data maintained by the dispute resolution system that describes the use of the dispute resolution system by the users.

Claim 105 (Withdrawn): The method of claim 102, further comprising controlling the appearance of the media objects based on participation of the users within the dispute resolution processes and compliance with results of the dispute resolution process.

Claim 106 (Withdrawn): The method of claim 1, further comprising:

providing an electronic marketplace via a website that is accessed by users via a computer network and enables the users to buy and sell items;

displaying media objects received from the dispute resolution system and associated with users of the electronic marketplace that participate in the dispute resolution system within the website,

wherein the appearance of the media objects is related to data maintained by a server associated with the dispute resolution system relating to participation of the users of the electronic marketplace in the dispute resolution system.

Claim 107 (Withdrawn): The method of claim 101, wherein displaying media objects comprises displaying medallions within web pages associated with users of the electronic marketplace that participate in the dispute resolution system.

Claim 108 (Previously Presented): The method of claim 1, further comprising:

training a dispute resolution specialist by requiring the dispute resolution specialist to experience transactions within online marketplaces including at least an auction site;

outputting simulated online dispute resolution cases to the dispute resolution specialists via the computer network to assess the skills of the dispute resolution specialists; and

assigning online disputes to the dispute resolution specialists only upon completion of the training and successful resolution of the simulated online dispute resolution cases.

Claim 109 (New): The method of claim 1, further comprising applying a case-based reasoning system to the information to produce a result for use in selection of a mode of resolving the dispute in accordance with an online dispute resolution process.

Claim 110 (New): The method of claim 1, further comprising:

electronically receiving with the online dispute resolution system enrollment requests from the marketplace; and

automatically initiating enrollment of sellers or buyers within the dispute resolution system in response to the electronic requests from the marketplace.

Claim 111 (New): The method of claim 1, wherein the online dispute resolution system and the marketplace have separate databases, the method further comprising:

automatically electronically communicating the transaction data between the database of the online dispute resolution system and the database of the electronic marketplace.

Claim 112 (New): A system comprising:

an online dispute resolution system that electronically receives transaction data from a marketplace that provides a web-based community having buyers and sellers of goods and services, the transaction data describing transactions within the electronic marketplace,

wherein the dispute resolution system executes software that utilizes the transaction data and applies a dispute resolution process to assist the buyers or sellers in resolving disputes relating to the transactions, and

wherein the online dispute resolution system electronically provides status data to the marketplace based on participation of the buyers or sellers within the online dispute resolution process.

Claim 113 (New): The system of claim 112, wherein the online dispute resolution system electronically receives enrollment requests from the marketplace, and initiates enrollment of sellers or buyers within the dispute resolution system in response to the enrollment requests.

Claim 114 (New): The system of claim 112, wherein the online dispute resolution system comprises a membership database that maintains the status data for the sellers and buyers of the marketplace that are members of the online dispute resolution system.

Claim 115 (New): The system of claim 112,
wherein the online dispute resolution system and the marketplace have separate databases, and

wherein the online dispute resolution system comprises a data manager software application to automatically communicate data between the database of the online dispute resolution system and the database of the electronic marketplace.

Claim 116 (New): The system of claim 114, wherein the dispute resolution system and the marketplace are implemented at least in part as software executing on a computer system having data storage devices.

Appl. No. 09/504,159
Amd dated April 8, 2004
Reply to Office Action of March 12, 2004

Claims 117 (New): The system of claim 116, wherein the dispute resolution system and the marketplace communicate via the computer system.